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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/616,714

Applicant(s)

ANANDA, MOHAN

Examiner

Matthew s Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-11,14-21 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 22-37 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 November 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claims 1-14 are pending in the present patent application. Applicant has amended claims 1 and 8, and cancelled claims 5-6 and 12-13. Applicant added new claims 15-38. Examiner acknowledges that the applicant requests reconsideration and reexamination of claims 1-4, 7-11 and 14-38, in view of the amendment filed 01 May 2003.

Election/Restrictions

Newly submitted claims directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 1-4, 7-11, 14-21 and 38, drawn to a method for providing secure electronic commerce transactions with multiple merchants, classified in class 705, subclass 26.
- II. Claims 22-37, drawn to a vendor server comprising merchant content reframing, classified in class 705, subclass 26.

Inventions II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as merchant content reframing. See MPEP § 806.05(d).

Art Unit: 3625

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22-37 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

Substitute drawings were received on 19 November 2002. The Examiner accepts these drawings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4, 7-11, 14-21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson (U.S. Patent No. 5,966,697) in view of Musgrove (U.S. Patent No. 6,535,880).

Referring to claim 1. Ferguson discloses a method equivalent to a method for providing secure electronic commerce transactions with multiple merchants (at least Abstract and Fig. 1) comprising:

Art Unit: 3625

- Establishing a secure communication link between at least one client computer system and a vendor computer system (at least Abstract and Fig. 1);
- Transmitting transaction information between said client and vendor computer systems enabling a user at said client computer system to select and purchase, via said vendor computer system, items listed in a merchant computer system by one or more merchants (at least column 11, line 36 to column 13, line 6);
- Establishing a secure communication link between a client computer system and a vendor computer system (at least Abstract and Fig. 1);
- Transmitting transaction information between said client and said vendor computer systems enabling a user at said client computer system to obtain, via said vendor computer system, items listed in a plurality of merchant computer systems by a plurality of merchants (at least column 11, line 36 to column 13, line 6); and
- Monitoring an information exchange between said client computer and said plurality of merchant computer systems at said vendor computer system to obtain said transaction information (at least Fig. 5, Step 506).

Ferguson does not expressly disclose:

- Modifying responses from said merchant computer to said client computer system at said vendor computer system to route at least a portion of an information exchange through said vendor computer.

Musgrove discloses:

- Modifying responses from said merchant computer to said client computer system at said vendor computer system to route at least a portion of an information exchange through said vendor computer system (at least column 6, line 45 to column 7, line 6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Ferguson to have included the limitations of Musgrove as discussed above in order to allow shopping at a variety of different vendors easily and securely (Ferguson: at least column 2, lines 16-27).

Referring to claim 2. Ferguson further discloses a method wherein said transmitting step further comprises:

- Generating a purchase order for said items after said user's selection of at least one if said items for purchase from said merchant computer system via said vendor computer system (at least column 11, line 36 to column 13, line 6).

Referring to claim 3. Ferguson further discloses a method comprising:

- Obtaining payment from said user (at least column 5, line 3 to column 6, line 16 and column 12, line 45 to column 13, line 6); and
- Transmitting payment to at least one of said plurality of merchants on behalf of said user (at least column 5, line 3 to column 6, line 16 and column 12, line 45 to column 13, line 6).

Referring to claim 4. Ferguson further discloses a method wherein said payment is obtained by an operator of said vendor computer system (at least column 5, lines 15-25).

Referring to claim 5. Ferguson further discloses a method wherein said step of transmitting transaction information further comprises:

- Monitoring an information exchange between said client computer system and said merchant computer system at said vendor computer system to obtain said transaction information (at least column 9, line 28 to column 11, line 35).

Referring to claim 6. Ferguson further discloses a method comprising:

- Modifying responses from said merchant computer system to said client computer system at said vendor computer system to route at least a portion of said information exchange through said vendor computer system (at least column 9, line 66 to column 10, line 48); and
- Modifying responses from at least one of said plurality of merchant computer systems to said client computer at said vendor computer system to route at least a portion of said information exchange through said vendor computer system (at least column 9, line 66 to column 10, line 48).

Referring to claim 7. Ferguson further discloses a method wherein said step of transmitting transaction information further comprises:

- Displaying one or more icons corresponding to said plurality of merchants at said client computer for user selection (at least column 12, line 45 to column 13, line 6);
- Providing said items listed in said merchant computer system to said user at said client computer system via said vendor computer system, upon said user

selection of at least one of said one or more icons (at least column 12, line 45 to column 13, line 6);

- Displaying a merchant icon at said merchants at said client computer for user selection (at least column 12, line 45 to column 13, line 6); and
- Upon user selection of said merchant icon, providing the merchant list of items from at least one of said plurality of merchant computer systems to said user at said client computer via said vendor computer system (at least column 12, line 45 to column 13, line 6).

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 9. Claim 9 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 10. Ferguson further discloses a method wherein a vendor of said vendor computer system forwards payments to said one or more merchants for the supplied items on behalf of said user (at least column 11, lines 15-26).

Referring to claim 11. Ferguson further discloses a method wherein said user makes payment to said vendor for said supplied items (at least column 2, lines 16-61).

Referring to claim 12. Ferguson further discloses a method wherein said vendor computer system is further configured to perform the steps of:

- Monitoring an information exchange between said client computer and said plurality of merchant computer systems at said vendor computer system to obtain said transaction information (at least column 10, line 49 to column 11, line 35).

Referring to claim 13. Claim 13 is rejected under the same rationale as set forth above in claim 7.

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in claim 7.

Referring to claim 15. Ferguson in view of Musgrove discloses a method according to claims 1 and 8 as indicated supra. Ferguson in view of Musgrove does not expressly disclose a method wherein said step of modifying responses occurs automatically. It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of modifying responses gives you just what you would expect from the manual step as shown in Ferguson in view of Musgrove. In other words there is no enhancement found in the claimed step. The claimed step only provides automating the manual activity. It would have been obvious to a person of ordinary skill in the art at the time of the invention to automate the modifying of responses because this would enable a consumer to shop at a variety of different vendors easily and securely (Ferguson: at least column 2, lines 16-26).

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claim 15.

Referring to claim 17. Ferguson discloses a vendor computer system having computer readable program code embodied therein for implementing a vendor server to enable secure electronic commerce between a user at a client computer system and

one or more merchant servers, said program code configured to perform at least the steps of:

- Establishing a secure communication link between a client computer system and a vendor server (at least Abstract and Fig. 1); and
- Obtaining merchant content from a merchant server (at least Fig. 2).

Ferguson does not expressly disclose:

- Modifying links in said merchant content to redirect said links to said vendor server; and
- Transmitting said merchant content and modified links to said client computer for presentation to said user.

Musgrove discloses

- Modifying links in said merchant content to redirect said links to said vendor server (at least column 6, line 45 to column 7, line 6); and
- Transmitting said merchant content and modified links to said client computer for presentation to said user (at least column 6, line 45 to column 7, line 6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Ferguson to have included the limitations of Musgrove as discussed above in order to allow shopping at a variety of different vendors easily and securely (Ferguson: at least column 2, lines 16-27).

Referring to claim 18. Ferguson further discloses a vendor computer system wherein said step of obtaining said merchant content comprises:

- Receiving a user request from said client computer system (at least Abstract);

- Transmitting said user request to said merchant server (at least Abstract); and
- Receiving from said merchant server a response comprising said merchant content (at least Abstract).

Referring to claim 19. Ferguson further discloses a vendor computer system wherein said step of receiving said user request comprises identifying said merchant server from a plurality of possible merchant servers (at least Fig. 1).

Referring to claim 20. Ferguson further disclose a vendor computer system wherein said user request is an order request, and said step of transmitting said user request to said merchant server comprises inserting user order information into said order request (at least Abstract).

Referring to claim 21. Ferguson further discloses a vendor computer system wherein said user request is one of:

- A search request (at least Fig. 3);
- An order request (at least Abstract); and
- A selection request (at least Abstract).

Referring to claim 38. Ferguson discloses a vendor server process executed in a vendor server computer system, comprising:

- Means for establishing a secure communication link between a client computer system and a vendor server (at least Abstract and Fig. 1); and
- Means for obtaining merchant content from a merchant server (at least Fig. 1 and Fig. 2).

Ferguson does not expressly disclose:

Art Unit: 3625

- Means for modifying links in said merchant content to redirect said links to said vendor server; and
- Means for transmitting said merchant content and modified links to said client computer system for presentation to a user.

Musgrove discloses:

- Means for modifying links in said merchant content to redirect said links to said vendor server (at least column 6, line 45 to column 7, line 6); and
- Means for transmitting said merchant content and modified links to said client computer system for presentation to a user (at least column 6, line 45 to column 7, line 6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Ferguson to have included the limitations of Musgrove as discussed above in order to allow shopping at a variety of different vendors easily and securely (Ferguson: at least column 2, lines 16-27).

Response to Arguments

Applicant's arguments with respect to claims 1-4, 7-11 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed with respect to claims 15-21 and 38 on 6 May 2003 have been fully considered but they are not persuasive.

Art Unit: 3625

Conclusion

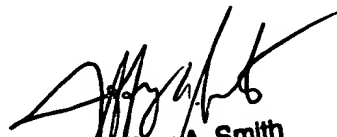
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

May 9, 2003


Jeffrey A. Smith
Primary Examiner